

UNITED STATES DISTRICT COURT
for the
Southern District of Alabama

United States of America

v.

KENDRICK MELTON

)
)
)
)
)

Case No. 06-00022-KD

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, **IT IS ORDERED** that the motion is:

X **DENIED.** **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of months **is reduced to** months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 38

Amended Offense: 36

Criminal History Category: IV

Criminal History: IV

Previous Guideline Range: 235 to 293 months

Amended Guideline Range: 188 to 235 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

 The reduced sentence is within the amended guideline range.

 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

 Other (explain):

III. ADDITIONAL COMMENTS - Defendant was sentenced to the statutory mandatory minimum of 120 months and is not eligible for consideration of a reduction because Amendment 706 does not apply when a defendant has been sentenced to a statutory mandatory minimum penalty. Defendant is subject to a mandatory consecutive sentence of sixty months as to Count Three to be served consecutive to his sentence as to Count One.

Except as provided above, all provisions of the judgment shall remain in effect.

IT IS SO ORDERED.

Order Date: December 19, 2008

Effective date:
(if different from order)

/s/ Kristi K. DuBose

Judge's signature

United States District Judge

Printed name and title